

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STEADFAST INSURANCE CO.,

Plaintiff,

vs.

ASTORIA CORPORATION, *et al.*,

Defendants.

2:10-CV-00312-PMP-GWF

ORDER

Before the Court for consideration are Plaintiff's fully briefed Motion for Summary Judgment (Doc. #61) and Defendants' fully briefed Motion to Withdraw and Amend Admissions (Doc. #63). Having considered the arguments of counsel presented on the papers and at the hearing conducted October 25, 2011, the Court finds that Plaintiff's Motion for Summary Judgment (Doc. #61) should be granted and Defendants' Motion to Withdraw and Amend Admissions (Doc. #63) should be denied.

Specifically, the Court finds no genuine issue of fact remains as to the obligation of Defendants to jointly and severely satisfy the outstanding insurance premium in the amount of \$154,340.77. As the "named insured", Defendant Astoria Corporation was obligated to pay the premium on behalf of all Defendants to this action, each of which received the benefit of coverage under the insurance policy provided by Plaintiffs. Defendant Astoria Corporation breached its contract to do so

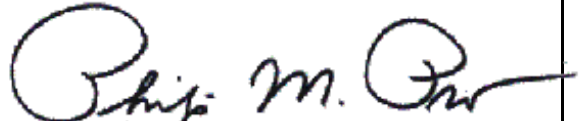
1 and the reasonable measure of damage to Plaintiff is the unpaid premium.

2 Defendants have essentially conceded Plaintiff's entitlement to judgment by
3 their repeated failure to timely respond to outstanding requests for admissions and
4 other discovery requests. The Court finds no good cause presented to warrant
5 Defendants' Motion to Withdraw and Amend Admissions (Doc. #63).

6 **IT IS THEREFORE ORDERED** that Defendants' Motion to Withdraw and
7 Amend Admissions (Doc. #63) is **DENIED**.

8 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment
9 (Doc. #61) is **GRANTED** against all named Defendants, jointly and severely, in the
10 amount of \$154,340.77. The Clerk of Court shall forthwith enter judgment
11 accordingly.

12 DATED: October 27, 2011.

13
14 
15 _____
16 PHILIP M. PRO
17 United States District Judge
18
19
20
21
22
23
24
25
26